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jc944 U.S. PTO
08/31/01

CERTIFICATE OF EXPRESS MAILING

NUMBER EL 831787995 US

DATE OF DEPOSIT August 31, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

Army G. Klamn
Signature

11011 U.S. PTO
09/943692
08/31/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David A. Fischhoff,
Roy L. Fuchs,
Paul B. Lavrik,
Sylvia A. McPherson,
Frederick J. Perlak

Prior application

Serial No.: 09/027, 998

Examiner: A. Nelson

Group Art Unit: 1638

Serial No.:

Filed: August 31, 2001

For: **COLEOPTERAN TOXIN PROTEINS OF**
***BACILLUS THURINGIENSIS* (Amended)**

Atty. Dkt. No.: MOBT195—1
11899.0195.DVUS01

REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b) of co-pending prior application Serial No. 09/027,998 filed February 23, 1998, entitled "Insect Resistant Plants Comprising a *Bacillus thuringiensis* Gene."

☒ 1. Enclosed is a copy of the prior application Serial No. 09/027,998 as originally filed, including specification (63 pages), claims (6 pages), drawings (33 sheets, Figures 1-18), abstract (1 page), and declaration. The undersigned hereby verifies to the best of his knowledge that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with

the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

☒ The inventorship is the same as prior Application Serial No. 09/027,998.

FEE CALCULATION
(upon entry of Preliminary Amendment)

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$710.00
Total Claims	13 - 20 =	0	\$18.00 =	0
Independent Claims	3 - 3 =	0	\$80.00 =	0
Multiple Dependent Claim(s) -----				\$-0-
TOTAL FILING FEES				\$710.00

☒ 3. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Deposit Account No. 01-2508/11899.0195.DVUS01.

☒ 4. Address all future communications to:

Patricia A. Kammerer
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

☒ 5. The prior application is presently assigned to Monsanto Technology LLC.

☒ 6. Enclosed is a copy of the current Power of Attorney filed in the prior application.

☒ 7. Enclosed is a preliminary amendment.

- ☒ 8. An Information Disclosure Statement (IDS) and Form PTO 1449 are enclosed.
- ☒ 9. Enclosed are formal drawings (Figures 1-18).
- ☒ 10. Return Receipt Postcard (specifically itemized).

Respectfully submitted,



Patricia A. Kammerer

Reg. No. 29,775

HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

Attorney for Assignee
MONSANTO TECHNOLOGY LLC

Date: August 31, 2001

094369-08101

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Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**David A. Fischhoff,
Roy L. Fuchs,
Paul B. Lavrik,
Sylvia A. McPherson,
Frederick J. Perlak**

Serial No.: Not yet assigned

Filed: August 31, 2001

For: **COLEOPTERAN TOXIN PROTEINS OF
*BACILLUS THURINGIENSIS***

Prior application

Serial No.: 09/027,998

Examiner: A. Nelson

Group Art Unit: 1638

Atty. Dkt. No.: 11899.0195.DVUS01

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

**STATEMENT AS REQUIRED UNDER 37 C.F.R. § 1.821(f)
AND STATEMENT UNDER 37 C.F.R. § 1.821(g)**

Sir:

Submitted herewith is a computer readable form and a paper copy of the sequence listing of those sequences in the captioned patent application. The computer readable form of the sequence listing is the same as the paper copy of the sequence listing. The sequence information

provided in the Specification is also the same as the sequence listing of the enclosed computer readable and paper forms of the sequence listing.

In accordance with 37 C.F.R. § 1.821(g), it is herewith represented that no new matter is included with this submission.

Respectfully submitted,



Patricia A. Kammerer

Reg. No. 29,775

HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

Attorney for Assignee
MONSANTO TECHNOLOGY LLC

Date: August 31, 2001

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